

**From:** Emma Howard  
**Sent:** Thursday, March 20, 2014 11:30 AM  
**To:** 'Frery, Matthew'  
**Subject:** RE: Proposed SEAs and Other County Departments

Matt,

A few follow ups:

“Grandfathering” in our draft ordinance is not tied to CEQA documents. It’s based on DRP permitting. That often means that we grandfather complete applications that may not have finalized CEQA documents, or grandfather based on a valid permit. Conditional Use Permits require CEQA analysis, but overall, I just want to make sure I didn’t give the impression that it’s based on CEQA. New construction after approval would be grandfathered depending on the terms of the approved permits and the way the applicability sections of the ordinance are written.

However, that “grandfathering” provision is specifically tied those of private developers, not to County Departments, where our entire process is different, because we do not approve projects per se. We merely require consultation and an opportunity to make non binding recommendations. Specific processes for each department are being developed and would be implemented on a department to department basis. These documents are not finalized, but it isn’t our intent to require finished projects to suddenly go through a new consultation process after the SEA ordinance is adopted, it would be related to new projects.

The SEA Ordinance does not conflict with CEQA compliance. Where you have State or Federal environmental studies and impacts mitigation you should be able to use the majority of those documents as the information required for our ordinance. However, our program is tasked with protecting the SEAs specifically, which is not necessarily the main consideration of the State and Federal requirements. Implementation of the SEA Ordinance is one of the primary ways that the County meet its own CEQA requirements for the General Plan; the umbrella covering all new development and all new infrastructure for the next 20-30 years, including all projects undertaken by the Department of Public Works. That’s why we are moving in a direction where our departments have a dialogue about building in the SEAs, so that we make sure we’re adequately reflecting how different General Plan goals and policies are being met.

If you check in with your coworkers who were at our previous meetings, I know we’d welcome you at any future meetings, maybe they can add you to their internal list so we make sure you are there? Your perspective will be helpful as someone in the process of handling a large project.

Regards,  
Emma

**From:** Frery, Matthew  
**Sent:** Tuesday, March 04, 2014 2:58 PM  
**To:** Emma Howard  
**Subject:** Proposed SEAs and Other County Departments

Good afternoon Emma:

Thanks for speaking with me earlier this afternoon about the proposed SEAs. Below is a summary of what I gleaned from Troy and yourself:

- The tentative Board adoption of the new SEA boundaries/ordinances (w/ general plan) is likely Fall 2014 at the earliest, but dependent on a number of factors.
- There are 2 main changes in the revised ordinances that regulate developments in SEAs:
  - Today, any parcel that includes even a portion of SEA is under ordinance even if not working on that portion... moving forward, if not working on the SEA portion, you're ok...
  - New 2-tier system so smaller projects can be more stream-lined.
- CEQA documents are based on baseline conditions, so we're not subject to SEA ordinances if our CEQA document adopted before the new boundaries. We will be "grandfathered" in even if construction occurs after adoption.
- Even if new SEAs in effect, other County agencies will not be subject to permit from DRP. Instead, DRP would perform a consult process (e.g., perform bio review for large projects) and submit recommendations, but then up to DPW as what to do with them. The comments are not binding, especially if counter to completing our own Department's mission.
- A few DPW staff have been involved in the process... you mentioned Steve Berger, Juan Sarda, Bella Hernandez, Fabrizio Pachano, and Pat Wood. Thanks for passing along those contacts.

Please let me know if I've misunderstood anything.

Also, it does seem strange/redundant that SEA ordinances would apply at our Flood Control Facilities that are already regulated by the State and Feds. As discussed, our CEQA document already discusses the present biological resources, etc, and elaborates on impacts and mitigation as necessary.

At this point, I expect our CEQA document to be adopted well before the new DRP General Plan. If not, we will adjust things accordingly.

Thanks again, and have a great day.

**Matt Frary, P.E.**

Dams Section

Water Resources Division

LA County Department of Public Works